

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EIDOS DISPLAY, LLC and
EIDOS III, LLC,

Plaintiffs,

v.

CHI MEI INNOLUX CORPORATION AND CHI
MEI OPTOELECTRONICS USA, INC.,

Defendants.

Civil Action No. 6:11-cv-00201-JRG-JDL
LEAD CASE

EIDOS DISPLAY, LLC and
EIDOS III, LLC,

Plaintiffs,

v.

CHI MEI INNOLUX CORPORATION AND CHI
MEI OPTOELECTRONICS USA, INC.,

Defendants.

Civil Action No. 6:19-cv-00493-JRG-JDL
MEMBER CASE

**INNOLUX'S RESPONSE IN OPPOSITION TO
THIRD PARTY STAIRWAY LEGACY ASSETS, L.P.'S,
MOTION FOR A STATUS CONFERENCE**

Defendants, Chi Mei Innolux Corporation, and Chi Mei Optoelectronics USA, Inc. (“Innolux”), submit this response in opposition to Stairway Legacy Assets, L.P.’s (“Stairway”) Motion for a Status Conference. Innolux opposes Stairway’s motion because Stairway is not a party and has no standing to participate. The circumstances under which the Court indicated it would address Stairway’s motion to intervene are not yet ripe. Further, Innolux’s prior deposit with the Registry of the Court and separately escrowed settlement funds provide adequate security to protect any of Stairway’s alleged interest in the proceeds of this action in the interim.

Stairway moved to intervene on March 6, 2020. Dkt. 960. During the hearing on April 9, 2020, the Court deferred consideration of Stairway’s motion. (Dkt. 984-2, 48:18-24). The Court noted Stairway’s motion was premature. The settlement funds were not then, and are not yet, ready to be disbursed:

At the time that there are funds to be disbursed from the Court's Registry following what I've just laid out for you, then the Court will consider and take up the motion for intervention by Ironshore, by Stairway, and there have been allegations indicating a right to receive part of those monies by LG. At that point, Innolux will be out of the picture and gone.

Dkt. 984-2, 48:18-24 (Transcript of Hearing on Innolux’s Motion to Enforce Settlement Agreement and Stairway’s and Ironshore’s Motion to Intervene (April 9, 2020)). The Court informed counsel for Stairway and Ironshore on April 9, 2020, that their motions to intervene would be taken up after the tax liability issues were resolved, after Innolux had deposited the balance of the settlement funds with the Registry of Court, and after Innolux had been dismissed. None of these events has occurred yet. Non-party Stairway’s motion remains premature.

Additionally, Eidos “filed a taxpayer private letter request regarding Eidos’s tax liability with the Taiwan Taxing Authority” on August 20, 2020. Dkt. 989, 2. Eidos recently informed Innolux on May 3, 2021 that no decision has been issued by the Taiwan Tax Authority. In other words, the circumstances under which the Court would consider Stairway’s first motion to

intervene have not materialized. In the interim, no funds can be disbursed from the Registry of Court absent the Court's approval. This provides Stairway ample security. Neither Stairway's renewed motion to intervene nor its motion for a Status Conference demonstrates any change of circumstances or suggests any threatened security of the settlement funds. In fact, neither motion is appropriate given the Court's clear instructions on April 9, 2020.

For these reasons, Innolux respectfully requests that the Court deny Stairway's motion for a status conference.

Date: May 14, 2021

Respectfully submitted,

/s/ Trey Yarbrough

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 14, 2021.

/s/ Trey Yarbrough
Trey Yarbrough